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14
UNITED STATES DISTRICT COURT
 15
NORTHERN DISTRICT OF CALIFORNIA
 16
SAN FRANCISCO DIVISION

17
 18 ATHALONZ, LLC

Case No. 3:23-mc-80324-LJC

19 Plaintiff,

20 v.
 21

**NON-PARTY WARDELL STEPHEN
 CURRY II'S ADMINISTRATIVE
 MOTION TO STRIKE PLAINTIFF'S
 REPLY IN SUPPORT OF MOTION FOR
 DE NOVO DETERMINATION**

22
 23 UNDER ARMOUR, INC.

24 Defendant.

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1 Pursuant to Local Rule 7-11, Non-party Wardwell Stephen Curry II (“Mr. Curry”) hereby
 2 moves the Court to strike Plaintiff’s Reply in Support of its Motion for De Novo Determination
 3 of Dispositive Matter Referred to Magistrate Judge. (Dkt. 27).

4 Plaintiff’s Reply is procedurally improper because it is not permitted by the Court’s
 5 Local Rules, or Fed. R. Civ. P. 72. “Neither FRCP 72(b) nor Civ LR 72-3... authorizes the
 6 filing of a reply brief in support of objections to a magistrate judge’s recommendation and report
 7 regarding a dispositive motion.” *Cannon Partners, Ltd. v. Cape Cod Biolab Corp.*, 225 F.R.D.
 8 247, 250 (N.D. Cal. 2003); *see also In re MTC Elec. Techs. Shareholder Litig. v. MTC Elec.*
 9 *Techs. Co.*, 75 F. Supp. 2d 276, 281 n. 4 (E.D.N.Y 1999) (“Rule 72(b) authorizes objections to a
 10 magistrate judge’s report and recommendation then responses ... but not replies”); *Carrington*
 11 *Capital Mgmt. LLC v. Spring Inv. Servs.*, No. 3:06-cv-1665, 2008 BL 370377 (D. Conn. May 2,
 12 2008) (Rule 72 “does not expressly grant the right to file a reply in opposition to a magistrate’s
 13 recommended ruling.”); *Lee v. City of Topeka*, 2012 WL 4482122 (D. Kan. Sept. 29, 2011)
 14 (same); *Mordukhaev v. Daus*, 2010 WL 3792191, at *1 n.1 (S.D.N.Y. Sept. 2010) (same);
 15 *Ventana Med. Sys., Inc. v. St. Paul Fire & Marine Ins. Co.*, 709 F. Supp. 2d (D. Ariz. 2010)
 16 (same).

17 Because the Rules do not allow for a Reply, the Court should strike Athalonz’s
 18 unauthorized Reply brief. *See Star Envirotech, Inc. v. Redline Detection LLC*, No. EDCV 12-
 19 01861-JGB (KKx), 2016 U.S. Dist. LEXIS 185139, at *4 (C.D. Cal. Mar. 4, 2016) (striking
 20 unauthorized reply brief filed by a party objecting to a magistrate judge’s recommendation
 21 pursuant to Rule 72(b)); *Massey v. Computershare Ltd.*., Civil Action No. 21-cv-0601-WJM-
 22 SBP, 2024 U.S. Dist. LEXIS 38535, at *17 (D. Colo. Mar. 5, 2024) (same); *James v. Shinn*, No.
 23 CV-21-00091-TUC-JCH, 2023 U.S. Dist. LEXIS 173784, at *5 (D. Ariz. Sep. 27, 2023) (same).

24 For the foregoing reasons, Mr. Curry respectfully requests that the Court strike Plaintiff’s
 25 Reply in Support of its Motion for De Novo Determination of Dispositive Matter Referred to
 26 Magistrate Judge. (Dkt. 27).

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1 Dated: April 22, 2024

VENABLE LLP

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